

CITY OF MIAMI BEACH  
Office of the City Manager  
Letter to Commission No. 042-2005



**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** February 10, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject: SWALE ORDINANCE DISCUSSION WITH COMMUNITY HOMEOWNER ASSOCIATIONS**

Pursuant to the request of the Neighborhood/Community Affairs Committee, in the next several weeks the Administration will be starting to discuss the draft Swale Ordinance with groups in the community. The Administration will be presenting the citizen created ordinance not advocating adoption.

Attached is a two page summary that will be provided in advance of the meeting to each of the Homeowner Associations (HOA) or interested groups discussing the draft Swale Ordinance.

Each of the affected Homeowner Associations will be asked if they would like to have a meeting to discuss the draft Swale Ordinance. Any other group that is interested to discuss the Ordinance can also be scheduled for a presentation and meeting. If you are aware of any interested groups, please direct them to the Administrations attention and we will make the necessary arrangements.

The draft Swale Ordinance has been discussed briefly at the Neighborhood/Community Affairs Committee on two separate occasions and some modifications incorporated at the request Committee members. Given the scope of the Ordinance and the regulation that is proposed to limit, especially parking and existing conditions in the swale, it should be anticipated that this community discussion will invite a great deal of comment and/or reaction from the community. Any commentary or concern that is generated in these community meetings will be brought to the attention of the Neighborhood/Community Affairs and the whole City Commission prior to any requested formal action.

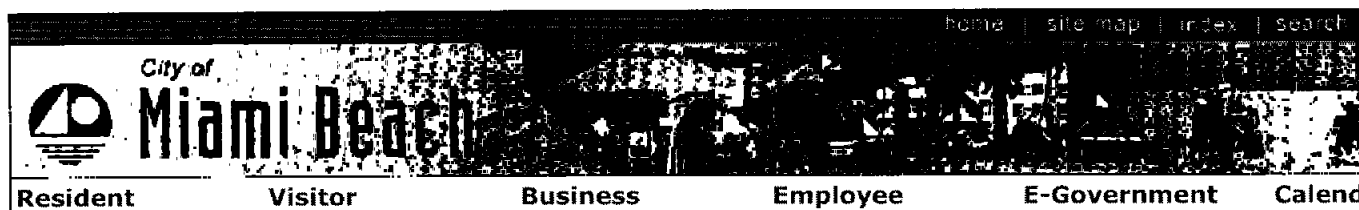
The full Ordinance is on the City's website for citizens to review and comment.

If you have any questions on the Swale Ordinance, please feel free to contact me or Assistant City Manager, Robert Middaugh.

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Attachment

c: Robert C. Middaugh, Assistant City Manager  
Fred Beckmann, Director of Public Works  
Vivian Guzman, Director of Neighborhood Services



## PROPOSED SWALE ORDINANCE

### What is the Swale Ordinance and how does it affect my property?

During the planning process for the neighborhood improvements to be constructed through the City's Capital Improvement Program (CIP) and funded through the General Obligation (GO) Bond, residents asked how the City would protect the investment that was planned for the swale areas. A group of interested residents representing most of the affected areas was created to propose an ordinance to regulate swales. The draft ordinance represents these residents' concerns and is intended to reflect the level of regulation that they feel appropriate to achieve the goal of more attractive swale areas in the City.

The ordinance defines swale areas, provides for standards of care and appearance, regulates parking, addresses existing conditions, and provides for a proactive permitting and inspection role for the City to assure compliance.

This ordinance will be presented and discussed with residents through neighborhood association meetings over the next few months. Comments received will be presented to the City Commission for final review and action. For a copy of the proposed ordinance, [click here](#).

**What is a swale?** The swale is that area of right-of-way in front of your home between the edge of the road and your property line. In areas that have sidewalk, it is generally the area between the road and the sidewalk. In areas that have no sidewalk, it is generally the 10 to 15 feet of City right-of-way from the road edge to the private property line. On nearly every street in the City, there will be a City controlled swale/right-of-way that is adjacent to your property.

**What areas of the City are affected?** The areas of the City that are zoned RS-1, RS-2, RS-3 and RS-4 are affected. These zones include most of the single-family residential areas of the City, but can and do include some locations with other uses such as smaller multi-family dwellings. [Click here for a map of affected areas.](#)

### What is allowed in the swale?

- Approved and permitted landscape material. Native trees and plants that provide for a minimum 20-foot clear space are allowed. Hedges are not allowed.
- Parking as allowed, but more regulated than at present.
- Approved and permitted permeable pavers or stabilized grass area parking places. This will not allow asphalt or concrete paved parking areas. Emphasis is given to grass parking areas that are supported by below ground materials.

### Who is responsible to maintain the swale?

- As required in the current law, each resident will still be responsible to maintain the swale in front of their home. Swales are expected to be primarily landscaped with no ruts, bald spots or excessive weed growth. Typical maintenance such as watering and fertilizing necessary to sustain an attractive swale area is the residents' responsibility.

### What are the parking restrictions?

- Only residents, their tenants and guests are allowed to park without restriction on the swale adjacent their property.
- All other swale parking is limited to temporary parking, limited to no more than six hours in any one day and no more than two times in a week.  
Construction areas: For properties with a building permit, all construction related parking must be pre approved in a permit with approved parking areas designated and restoration required before issuance of a certificate of occupancy for the construction.
- Only one vehicle may be parked in each 20 foot section of swale.
- One parking space using approved materials may be constructed in each 50 foot section of swale. Asphalt and concrete paved areas are not permitted. Permeable pavers and subsurface soil stabilization areas are allowed.

**When does this take affect?**

- For neighborhoods with CIP work to be done by the City, after the construction is complete.
- All other areas, one year from the time of ordinance adoption.

**Are permits required?**

- Each swale must have a permit issued by the City. The permit is intended to be inexpensive and simple to complete.

**What happens to items in the swale that are present now and do not get permitted?**

- Paved parking areas must be removed within one year of adoption of the ordinance at the owner's expense.
- Mature trees that do not impact area will be permitted to remain.
- All other encroachments (items not permitted in the swale) must be removed if they do not meet standards that determine that the encroachments do not have an adverse impact, at the time of sale or 50% renovation of the property.

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**Send us your comments on the Proposed Swale Ordinance**

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**The following photos demonstrate swales that do not meet the standards under the proposed ordinance.**